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August 1, 2008

**VIA FACSIMILE (212) 805-6304**

Honorable Paul A. Crotty  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 735  
New York, New York 10007

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Re: **Daryl Crouse, et al. v. Acquus Technologies Corp.,  
et al. 8 Civ. 2496 (PAC)**

Dear Judge Crotty:

Counsel for the above-referenced parties are submitting this letter jointly to seek a slight modification to the current case management plan, which has been revised once previously. Currently, the case management plan provides that all discovery, including expert discovery, be concluded by October 10, 2008, but that depositions be concluded by August 2, 2008 and all fact discovery by September 2, 2008. The parties are requesting that they be allowed to use the October 10 deadline to complete all discovery, including fact discovery, depositions, etc.

We make this request because 1) it has been difficult to schedule depositions in July and August due to vacation schedules, and 2) we are attempting to align the discovery schedule of the instant case with the parallel arbitration in this matter to avoid duplication and unnecessary expense. The parties have already completed certain critical depositions and produced thousands of pages of documents. We are currently trying to resolve certain discovery disputes and will be prepared to address those issues with the court at the August 26, 2008 conference if said issues have not been resolved.

We thank the Court for its consideration of this application.

Respectfully Submitted,

Pryor Cashman LLP  
Counsel for Defendants

By:

  
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Cc: Steve Blau, counsel for plaintiff, by Facsimile (212) 488-4848  
763850

SO ORDERED:

AUG 04 2008

  
HON. PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE